



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING

**TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

WEDNESDAY, OCTOBER 13, 2010

9:30 AM

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Live Meeting Audio." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting under "Agendas, Minutes, and Audio."

No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. COMMENTS OF MAYOR JACK McDONALD
- IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

- V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)
- VI. APPROVAL OF AGENDA
- VII. DEVELOPMENT REVIEWS
- A. Appeals
- None
- B. Time Extensions & Waivers
1. Request for Waiver of Section 42-199, Hours of Construction Work, at 255 Worth Avenue (Vineyard Vines) (Per Letter Dated September 24, 2010, From Maura A. Ziska).
- C. Variances, Special Exceptions, and Site Plan Reviews
1. Old Business – Less than 15 Minutes
- None
2. New Business – Less than 15 Minutes
- a. **SITE PLAN REVIEW #9-2010 WITH SPECIAL EXCEPTION AND VARIANCE** The application of RP/RS Royal Palm Way, LLC; relative to property commonly known as **324 Royal Palm Way**; described as Lots 44 and 45, Block D, Revised Map of ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant is requesting a Site Plan Review to: (i) construct 1,411 square foot roof terrace on the third floor of the existing building; and (ii) construct twenty (20) carport parking space awnings to provide covered parking on the south side of the existing parking lot. Special Exception request is to allow a roof terrace which would create a third story addition onto an existing partial three story commercial building in the C-OPI Zoning District; a Variance is being requested to allow lot coverage for the carport/awnings to be 39% in lieu of the 29% existing and the 25% maximum allowed in the C-OPI Zoning

District. [Attorney: Maura A. Ziska]

[ARCOM Recommendation: Approval of the variances will not cause negative impacts. Carried 7-0.]

- b. **SPECIAL EXCEPTION #16-2010** The application of 375 South County Road LLC, dba Café Milano; relative to property commonly known as **375 South County Road**; described as ROYAL PARK ADD LT 1 (LESS TRGLR PAR S COUNTY RD R/W), LTS 2 THRY 4, LT 66 (LESS PERUVIAN COURT COND) & LTS 67 THRU 69 BLOCK 9; located in the C-TS Zoning District. The applicant is requesting a Special Exception to allow a new restaurant to open in the 5,458 square foot space formerly occupied by Amici's Restaurant. The applicant proposes to meet all previous conditions of approval.
[Attorney: Peter S. Broberg]
- c. **SPECIAL EXCEPTION #17-2010** The application of Ember Group LLC.; relative to property commonly known as **350 South County Road**; described as Lots 11 through 17, Block 7, of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant is requesting a Special Exception to allow a restaurant with a floor area of 4,980 square feet. The restaurant is being proposed in the former space of the "Beach House Bistro", "Island Palm" and "Galaxy Grill" restaurants. Town Council approval and a finding that the proposed use is town-serving is required. The applicant is proposing to operate a restaurant "Ember Group LLC" which will serve world cuisine in a casually sophisticated setting. The restaurant will follow the applicable conditions of the prior restaurants' approvals and the request is to operate under the previous approvals for seating, with a total of 154 seats proposed.
[Attorney: Maura A. Ziska]
- d. **SPECIAL EXCEPTION #18-2010** The application of Amici Market, LLC; relative to property commonly known as **155 North County Road**; described as THE NORTH 70.5 FEET OF LOT 13, SUNRISE AVENUE ADDITION TO PALM BEACH LESS THE WEST 10 FEET THEREOF, ACCORDING TO THE PLAT ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA AND RECORDED IN PLAT BOOK 7, PAGE 62; TOGETHER WITH AN EASEMENT OVER THE EAST 15 FEET OF THE SOUTH 95.98 FEET OF SAID LOT 13; located in the C-TS Zoning District. The applicant is requesting Special Exception

approval to operate a Town-serving specialty food market with limited accessory seating (6 seats) in a 5,980 square foot building, exceeding the 2,000 square foot limitation, which is proposing to be Town-serving. [Attorney: James R. Brindell]

- e. **VARIANCE #18-2010** The application of Kevin and Francesca McGann; relative to property commonly known as **180 E. Inlet Drive**; described as Lot 21 of SEA ISLE ESTATES, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Bok 25, Page 89; located in the R-B Zoning District. The applicant is requesting a variance to allow construction of a 550 square foot second story addition for a bedroom and bathroom with an east side yard setback of 11.31 feet in lieu of the 15 foot minimum required in the R-B Zoning District. [Attorney: Maura A. Ziska]

- 3. Old Business – More than 15 Minutes

None

- 4. New Business – More than 15 Minutes

None

D. Other

- 1. Consideration of Utilizing Hold Harmless Agreements, Allowing For Interior Remodeling Projects to Proceed Forward at Owner's Risk, Prior to Certain Town Council Approvals.
[John Page, Director of Planning, Zoning, and Building]

VIII. ANY OTHER MATTERS

IX. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 2:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 3:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 4:** A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.